

REMARKS

In the Final Office Action mailed December 23, 2009, the Examiner maintained that the sole independent claim - claim 24 - was obvious over deBoer (U.S. Pat. No. 6,259,837) in view of Deboer (U.S. Pat. No. 7,287,081). The Examiner also cited deBoer in view of Deboer and various other references to support final rejections to the dependent claims. In response, Applicant files a Request for Continued Examination and a Preliminary Amendment.

In the Preliminary Amendment, claims 24-37 and 39-58 are pending. Claims 24, 26-29, 32, 34—37, 41-44, 47-50, and 52-57 have been amended to better clarify the claimed invention over the cited references, and claim 58 has been added for consideration on the merits by the Examiner. Claims 1-23 and 38 were previously cancelled without prejudice. No new matter has been added. The amended claims are patentable over the cited references.

Claim 24 is directed to a protection system for first and second communication networks that are interconnected by an Automatic Switched Transport Network (ASTN) having an ASTN control plane. The first communication network has a first primary terminal node and an associated first secondary terminal node, while the second network has a second primary terminal node and an associated second secondary terminal node. The first primary terminal node of the first network connects to the second primary terminal node of the second communication network for communications over a primary communication circuit. Additionally, responsive to a failed interconnection between the first and second primary terminal nodes, the first and second secondary terminal nodes are configured to establish a secondary communication circuit between them.

As amended, claim 24 recites that "the ASTN control plane configured to implement signaling and automatic polling mechanisms to switch traffic from the first and second primary terminal nodes to the first and second secondary terminal nodes responsive to the failed interconnection between the first and second primary terminal nodes...[and that]... the criteria

for switching the traffic to the secondary communication circuit are based on alarm monitoring on a client side of the ASTN network.” *E.g., Spec.*, p. 17, ll. 5-19. Neither deBoer nor Deboer teaches or suggests, alone or in combination, these limitations of amended claim 24.

DeBoer, which is the primary reference, discloses a system for protecting an optical inter-ring telecommunications network having matched nodes. Deboer discloses a mesh architecture on which ASTN protocols may be executed. Neither reference alone teaches or suggests the added limitations of claim 24, and thus, any combination of the references (assuming *arguendo* that they could be combined) necessarily fails to teach or suggest these limitations.

In the Final Office Action, the Examiner asserts that Deboer mentions an ASTN architecture implemented on a ring topology. From this mere mention, the Examiner reasons that one skilled in the art would be motivated to combine the interconnected networks of deBoer “with the transport network having an ASTN control plane.” *Final Office Action*, p. 5, ll. 1-5. However, with the claimed invention, functions related to the ASTN control plane are specifically implemented in the ASTN control plane. This is not the case with the cited references. Even though ASTN is mentioned, a mere broad reference to an ASTN in these or any documents says nothing about the claimed invention and does not disclose the added limitations recited above. Accordingly, amended claim 24 is patentable over the cited references, alone and in combination.

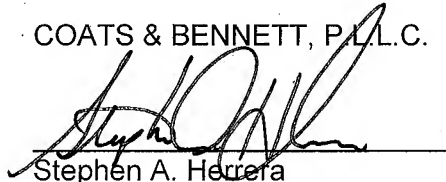
Next, Applicant has added a new independent claim - claim 58 - for consideration on the merits by the Examiner. Support for claim 58 may be found, for example, in Figures 1-4 and the corresponding text of the specification. Claim 58 is the corresponding method claim of claim 24, and therefore, contains similar limitations. As such, for reasons similar to those stated previously, claim 58 is not rendered obvious over deBoer over Deboer, alone or in combination.

Finally, Applicant notes that some additional references have been cited in addition to deBoer and Deboer to support rejections to the dependent claims. However, the independent claims 24 and 58 are patentable over the cited art alone and in combination. Therefore, their dependent claims are also all patentable over the cited references, alone and in combination.

In light of the foregoing remarks and amendments, all pending claims are in immediate condition for allowance. As such, Applicant respectfully requests the allowance of all pending claims.

Respectfully submitted,

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